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3738

PATENT
Attorney Docket No: 101-0084-00000
Customer No.: 22882

#9

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Gary K. Michelson, M.D.

Serial No: 09/457,228

Filed: December 8, 1999

For: SPINAL IMPLANT SURFACE
CONFIGURATION

Art Unit: 3738

Examiner: Snow, B.

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Washington, D.C. 20231

Dear Sir:

I hereby certify that

- ☒ Information Disclosure Statement Under 37 C.F.R. § 1.97(b)
- ☒ Form PTO 1449
- ☒ 2 Documents
- ☒ Return postcard

are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service with sufficient postage under 37 C.F.R. § 1.10 on the date indicated above and are addressed to:

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Washington, D.C. 20231.

Date: October 2, 2001

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Chantilly, VA 20151-1011
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Rebecca K. Kennedy

Name of person mailing papers

Rebecca K. Kennedy
Signature



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Dear Sir:

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), applicant brings to the attention of the Examiner the documents listed on the attached PTO 1449. This Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits for the above-referenced application.

Copies of the listed documents are attached. Applicant respectfully requests that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the

documents as prior art against any claims in the application and applicants determines that the cited documents do not constitute "prior art" under United States law, applicant reserves the right to present to the office the relevant facts and law regarding the appropriate status of such documents.

Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 50-1066.

Respectfully submitted,

MARTIN & FERRARO LLP

Date: October 2, 2001

By: _____


Amedeo F. Ferraro
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